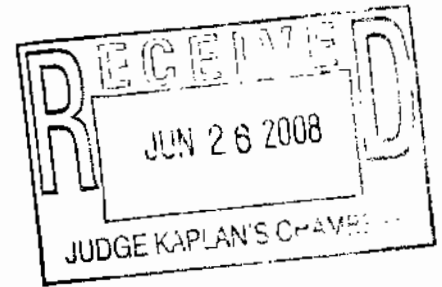


Kaplan, T



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
A.G. and L.G., on behalf of N.G. :

Plaintiffs, :

-against- :

08 Civ. 1576 (LAK)

Richard F. Daines, as Commissioner :
of the New York State Department :
of Health, and Thomas R. Frieden, :
As Commissioner of the New York :
City Department of Health & Mental :
Hygiene, :

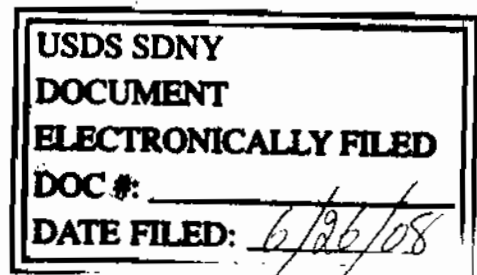
**STIPULATION OF DISMISSAL
OF RICHARD F. DAINES, M.D.**

Defendants. :
-----X

IT IS HEREBY STIPULATED AND AGREED by and among the
plaintiffs, the defendant Richard F. Daines, as Commissioner of
the New York State Department of Health and the defendant Thomas
R. Frieden As Commissioner of the New York City Department of
Health & Mental Hygiene, by and through their undersigned
attorneys that:

1. Defendant Richard F. Daines, as Commissioner of the
New York State Department of Health, is dismissed from the within
action pursuant to Federal Rule of Civil Procedure 41(a);

2. Any reimbursement of the New York City Department of
Health and Mental Hygiene for the cost of the N.G. Early
Intervention program by the New York State Department of Health
will be in accord with applicable laws and regulations including
New York Public Health Law § 2557;



3. The New York State Department of Health will not raise this dismissal or lack of joinder in this action as a defense or in opposition to a request for reimbursement by the New York City Department of Health and Mental Hygiene for its payment, if any, of reimbursement for the costs of the N.G. Early Intervention program as claimed in the within lawsuit by the plaintiffs;

4. For the purposes of executing this stipulation, only, defendant Richard Daines waives the service of the Summons in this lawsuit.

Dated: New York, New York
June 24, 2008

MAYERSON & ASSOCIATES
Attorney for Plaintiffs, A.G. and L.G.

By: 

Gary S. Mayerson
330 West 38th Street Suite 600
New York, New York 10018
(212) 265-7200

MICHAEL A. CARDOZO
Corporation Counsel of the City of
New York
Attorney for Defendant Thomas R.
Frieden, As Commissioner of the
New York City Department of Health
& Mental Hygiene

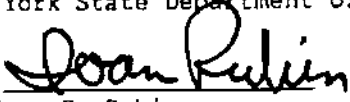
By: 

Chevon Andre Brooks
Assistant Corporation Counsel
100 Church Street, Room 2-164
New York, New York 10007

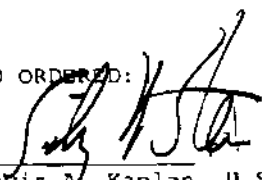
(212) 788-0874

ANDREW M. CUOMO
Attorney for Defendant Richard F.
Daines, M.D., as Commissioner of the
New York State Department of Health

By:


Ivan B. Rubin
Assistant Attorney General
120 Broadway
New York, New York 10271

SO ORDERED:


for Lewis A. Kaplan, U.S.D.J.

Dated: 6/26, 2008

By Hon. Sydney H. Stein, Part I